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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,647	12/21/2001	Lucio Pieroni	AA511	1490

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,647	Applicant(s) PIERONI ET AL.	
	Examiner Mark Spisich	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over deBlois et al (USP 5,978,999) in view of JP 8-126786 (hereinafter '786). The patent to deBlois discloses a hand-held scrubbing device (10) comprising a waterproof (column 2, lines 11-15) casing housing a motor (18) and battery (18) and an exterior area comprising a number of attachments including a bristled brush (fig 1) and a pad (114) (fig 6). The preferred pad (114) is comprised of polymer fibers such as "SCOTCH-BRITE" (column 7, lines 49-52). "SCOTCH-BRITE" is a non-woven material. The patent to deBlois discloses the invention sub substantially as claimed with the exception of the vibration buffer. '786 discloses a device with a motor (1) mounted within a casing (5,7) by securing the motor to a connecting member (2) and then placing a vibration buffer (3) between the connecting member and the casing. It would have been obvious to have provided such a member to the device of deBlois to reduce any vibrations felt by the user's hand. With regard to the recitation of "between", the buffer (3) is attached to an element that is attached to an end of the motor between the motor and the output thereof and as such would be between recited in the claims. In addition, the element in deBlois which is most analogous to the connecting member would be the transmission

Art Unit: 1744

(58) and upon securing a buffing member thereto would also be between the motor and the scrubbing surface.

3. Claims 1,5-8;12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over deBlois et al (USP 5,978,999) in view of EITHER Stima et al (USP 4,793,019) OR Palaikis (USP 5,507,968), and further in view of JP 8-126786 (hereinafter '786). The patent to deBlois discloses a hand-held scrubbing surface (10) comprising a waterproof (column 2, lines 11-15) casing housing a motor (18) and a battery (16) and an exterior area comprising a number of cleaning accessories including a scrubbing pad (114) (column 2, lines 46-52) of non-woven material (SCOTCH-BRITE) which is at least indirectly linked with the motor and which is exposed to the external environment when the device is in use. The patent to deBlois discloses the invention substantially as claimed with the exception of the pad (114) being impregnated with a cleaning composition and the provision of a vibration buffer. The patent to Stima discloses a cleaning material (38) of the same type (fibrous scrubbing pad) which may also be a non-woven fabric (column 4, line 8) and which material is provided with a premeasured quantity of a detergent composition (column 3, lines 53-54). The patent to Palaikis also discloses a cleaning material which may include non-woven pads (preferably SCOTCH-BRITE as per column 7, lines 55-59) and which material includes a detergent therein. One of ordinary skill would deem it obvious to include a detergent into the pad (114) of deBlois in view of either Stima or Palaikis so that another source or detergent would not be needed. As stated above, '786 discloses the provision of a vibration buffer and the provision of such to the device of deBlois would be obvious for

Art Unit: 1744

the prior stated reason. The patent to deBlois discloses the method steps of claims 5 and 6. The embodiment of figs 8A-8B (also column 8, lines 1-36) of deBlois includes an electromechanical motor which provides a reciprocating action (E) to the cleaning surface. The particular frequency of this action (claims 12-13) would be obvious to one of ordinary skill as merely optimizing the prior art.

4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root et al (USP 5,870,790) in view of deBlois et al (USP 5,978,999) and EITHER Stima et al (USP 4,793,019) OR Palaikis (USP 5,507,968), and further in view of JP 8-126786 ('786). The patent to Root discloses a hand-held scrubbing device comprising a waterproof casing housing a rechargeable battery (6) and a motor (4) as well as an "exterior area" including various types of scrubbing surfaces joined thereto. The patent to deBlois discloses a similar battery powered scrubbing device which, in addition to brush heads, includes a cleaning attachment (114) in the form of a SCOTCH-BRITE (column 7, lines 55-59) pad (which is a non-woven material). It would have been obvious to one of ordinary skill to have further provided such a cleaning attachment to the device of Root so that diverse cleaning could be done depending on the article being cleaned. The prior art as combined discloses the invention substantially as claimed with the exception of the detergent. As mentioned above, each of the patents to Stima and Palaikis discloses a detergent in a scrubbing pad. It would have been obvious to one of ordinary skill to have further included such a detergent into the pad (114) of deBlois for the reason set forth above. '786 further discloses the provision of a vibration buffer and the provision of such would be obvious for the reason stated above.

Art Unit: 1744

The patent to Root discloses a charging coil (126) and such mechanism are conventionally used in conjunction with a charging stand (claim 2). Root also discloses the "pivoting portion" (claim 3) (see figs 18-19).

5. Claims 1 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henriquez et al (USP 5,649,334) in view of deBlois et al (USP 5,978,999) and Palaikis (USP 5,507,968), and further in view of JP 8-126786. The patent to Henriquez discloses a casing which houses a motor assembly (54,58) and batteries (41) and wherein the scrubbing surface (43,45) may either be a brush or a sponge removably secured to the motor. With regard to the casing being waterproof, the patent to deBlois discloses that it is known to provide a waterproof casing for a device used in a wet environment and that one of ordinary skill would deem it obvious to have provided such a casing in Henriquez to prevent damage to the internal components thereof. The patent to Palaikis discloses a number of cleaning materials each which include a detergent therein, these including among others sponge as well as non-woven material sold under the trade name SCOTCH-BRITE (column 7, lines 21-67). Thus, the patent to Palaikis teaches that one of ordinary skill has recognized that any number of cleaning surfaces may be interchanged with one another (i.e. it suggests that SCOTCH-BRITE would be interchanged with a sponge, which is in Henriquez) to suit the particular cleaning to be done and that each of the materials described by Palaikis further include a detergent. It would have been obvious to have further provided a non-woven pad with detergent for the cleaning surface of

Art Unit: 1744

Henriquez for the reasons suggested by Palaikis. '786 further discloses a vibration buffer and it would have been obvious to one of ordinary skill to have provided such a means for the above-stated reasons. Henriquez further discloses the faucet connection (18) and rinsing orifice (the valve can be set to only provide a jet of water) as in claim 4.

6. Claims 1,5-8 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster (USP 4,299,004) in view of deBlois (USP 5,978,999) and EITHER Stima et al (USP 4,793,019) OR Palaikis (USP 5,507,968), and further in view of JP 8-126786. The patent to Lancaster discloses a hand-held scrubbing device comprising a waterproof casing (14) (column 1, lines 25-32) comprising an interior area housing a motor (20) and an exterior area comprising a scrubbing surface (12) (see figs 4A-4C and column 2, lines 53-64) comprising a non-woven material (eg, a felt pad) and wherein the scrubbing surface is at least indirectly removably linked to the motor. The patent to Lancaster discloses the invention substantially as claimed with the exception of the battery, the detergent and the vibration buffer. The patent to deBlois discloses a hand-held scrubbing device (10) which includes a motor (18) which is supplied with electrical power by a battery (16). It would have been obvious to one of ordinary skill to have modified the device of Lancaster as taught by deBlois so that the device could be used in areas that are not near an electric outlet. It is further noted that even if applicant argues that a felt is somehow woven, the patent to deBlois discloses the use of a non-woven pad (114). With regard to the detergent, each of the patents to Stima and Palaikis discloses various domestic cleaning/scrubbing materials which can be provided

Art Unit: 1744

with a quantity of detergent composition. The addition of a detergent to the pads of the prior art, in view of Stima or Palaikis, would be obvious for the reasons set forth above. See the prior comments per the vibration buffer and JP 8-126786. With regard to claim 15, the patent to Lancaster discloses at least two different types (claim 17) (also see column 2, lines 53-64) of interchangeable cleaning surfaces (12) (again, see figs 4A-4C), at least some of which are non-woven (i.e. felt). The patents to Lancaster and deBlois each disclose a number of different cleaning materials and each of the patents to Stima and Palaikis discloses a number of diverse cleaning materials each including a detergent. The use of a different detergent for each of the different cleaning materials would be obvious to that the pad could be matched to the intended use.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster (USP 4,299,004) in view of deBlois et al (USP 5,978,999), and further in view of JP 8-126786. The subject matter of claim 14 was essentially addressed above, in that claim 14 recites the non-woven material but not the detergent. A felt pad, which is one of the materials disclosed by Lancaster (column 4, line 18) is a non-woven material. The patent to deBlois, for that matter, still discloses a cleaning pad (114) of SCOTCH-BRITE non-woven material and the use of such a material for the pad (12) of Lancaster would be obvious nonetheless as a mere substitution of art-recognized equivalent materials. See the above comments with regard to JP 8-126786 and the provision of the vibration buffer.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the newly cited references are also pertinent to the provision of a vibration buffer.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich
Primary Examiner
Art Unit 1744

MS